Ontario Film Review Board

Annual Report 2014 – 2015

ofrb.on.ca

June 30, 2015

The Honourable David Orazietti
Minister of Government and Consumer Services
6th Floor, Mowat Block
900 Bay Street
Toronto. Ontario
M7A 1L2

Dear Minister Orazietti:

I am pleased to present the Annual Report of the Ontario Film Review Board (OFRB) for the fiscal year ending March 31, 2015.

The report outlines the duties and responsibilities of the Ontario Film Review Board under the mandate of the *Film Classification Act, 2005* and the operating results for the fiscal year.

Ten years after the passage of the *Film Classification Act, 2005* I can report that the legislative framework for film classification in Ontario is working well. Classification guidelines are reviewed by OFRB Members each year to adapt to evolving community standards and emerging issues within the framework approved by the Legislature.

As the OFRB prepares to embark on the next phase of its development with the delegation of the day-to-day administration of the Film Classification Act to the Ontario Film Authority, I can report that our OFRB Members will continue to provide the scrutiny and professionalism concomitant with our role. We look forward to working with the Ontario Film Authority to continue to provide a classification system that is respected by industry and movie-goers and a public education system that supports parents and guardians in making appropriate choices for their families.

Yours sincerely,

Bruce Davis
Chair

Ontario Film Review Board

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Ontario

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Report from the Chair

The Ontario Film Review Board (OFRB) receives its mandate from the Ontario government through the *Film Classification Act, 2005* (FCA) and operates as an arm's-length agency reporting to the Ministry of Government and Consumer Services.

The mission of the OFRB is to classify films and provide the public with sufficient information to make informed viewing choices for themselves and for their children.

In addition, the OFRB reviews adult sex films submitted by distributors that may be distributed in Ontario or shown on Pay- per-View or Video-on-Demand channels approved by the CRTC; these films are scrutinized within the scope permitted by legislation and court decisions with a view to protecting vulnerable groups.

In support of our mission, our daily activities for the fiscal year 2014-2015 have remained within expectations and we continue to meet our expected turnaround times. In 2014-2015 we reviewed our data management and film intake and processing procedures and I can report that mainstream films heading to movie theatres are typically screened within 2-3 business days of receipt and adult sex films are screened within 5 business days of receipt. Appeals are typically processed within 3 business days of an appellant's notice. In my view, these are very good performance indicators in a very fast-moving environment.

In 2014-2015, the government continued work to establish a Delegated Administrative Authority which will have responsibility for the day-to-day administration of the FCA, including supporting the classification functions of the OFRB. A not-for-profit corporation, the Ontario Film Authority (OFA), has been incorporated and work is underway to transfer delegation of the FCA to the OFA in 2015. I have worked closely with Ministry officials to facilitate the evolution of the OFA and have provided regular information updates to the interim OFA Interim Board from time to time.

Daily Activities

In 2014-2015, the OFRB classified 4,439 films, screening a total of 340,216 minutes of film. In addition, we classified another 1,909 films by way of documentation.

As of March 31, 2015, the OFRB consisted of 20 members representing a cross-section of Ontario's diverse population. The number of members on the board fluctuates over the year as members resign, their terms of appointment expire, and new ones are appointed. We must continue to maintain a balance of male and female members, and to ensure that the board has representation from the entire province.

As Chair, I have authority under the FCA to specify the number of members to sit on panels to approve or classify films. In 2014- 2015, three-member panels continued to be assigned to classify mainstream films heading to movie theatres. Non-English/non- French films were screened by two-person panels. Single-person panels reviewed adult sex films, however any rejection of adult films are subject to a review by a second panel member. One and two-member panels were assigned to screen mainstream DVDs and videos. There were 453 screening panels of which 248 were one-person panels.

In 2014-2015 we undertook two pilot projects:

- In "homeVIEW" we approved three OFRB members to screen films from their home. This project proved to be very successful. OFRB members signed an undertaking to safeguard and return the films, they completed all of the relevant reports, and they couriered the materials back to our offices. This project reduced travelling costs, provided some work schedule flexibility and reduced commuting congestion and stress.

- In our Hamilton pilot project we convened three-person panels at a hotel boardroom in Hamilton to screen mainstream films. This pilot reduced hotel and mileage expenses. Although this pilot reduced costs and the stress of travelling to Toronto there were some technology

impediments and we anticipate that we would need minor technology investments to fully realize the benefits of off- site panels.

One of my first tasks as Chair was to develop and deliver an updated training program for members to ensure a common understanding of the OFRB's mission, the requirements of the FCA, as well as the application of the board's policies, procedures and guidelines. Our training program, developed with the assistance of board members Lindsay Leese, Donald Duprey and Pat Brown, now includes video segments as a teaching aide, plus PowerPoint training slides. We have been approached by other film classification bodies in Canada to benefit from this training resource. In addition, our training program includes formal mentoring and evaluation components so that new OFRB members are sufficiently trained before they become full-fledged members of screening panels.

The Policy Committee of the OFRB continued to provide operational policy advice to the board and the Chair, and to assist the Chair in developing written policies and procedures. It is also the channel through which board members can submit ideas, suggestions and recommendations for improvements. The Policy Committee consists of three to five board members who are elected by the board for three-year terms. This year we revised the committee terms of reference and procedures.

In 2014-2015, the Policy Committee met on November 7, 2014, and recommended a number of changes to our classification guidelines and panel procedures that were adopted by the full OFRB board on November 17, 2014:

- Our guidelines were revised to provide greater clarity around the categorization of sexual violence
- We have also agreed to start tracking the use of on-screen animals and whether the films contain animal abuse disclaimers by the American Humane Association
- Our guidelines for adult sex films were revised to provide greater clarity around the refusal of films when the actors intend to portray minors
- Our panel procedures were revised to provide greater safeguards for intellectual property;

- We also clarified our internal procedures for processing appeals and cumulative panels.

The Board determined that the public screenings held in our Toronto office did not provide sufficient access to be considered truly representative of the diversity of Ontario's communities. As a result, a decision was made to cease public information screenings in November 2014. By that time, there had been 13 public screenings with approximately 247 participants. We are eager to expand public screenings across Ontario in conjunction with the Ontario Film Authority, local exhibitors and film festivals.

ShowCanada is an annual industry trade-show organized by the Canadian Motion Picture Distributors Association. For a number of years, members of provincial film classification boards have attended ShowCanada to learn about developments in the industry and to hold a series of concurrent meetings to discuss issues related to classification as well as possible opportunities for more effective collaboration. In 2014, ShowCanada was held in Whistler, British Columbia. For various reasons, few provincial classification boards were able to participate and it was determined that there was little value in having then Interim Chair Donald Duprey attend. The OFRB's participation at the June 2015 ShowCanada event in Quebec City will be assessed with a view to making a recommendation to the Ontario Film Authority regarding future attendance at the event.

In 2014-2015, the government continued work to establish a Delegated Administrative Authority which will have responsibility for the day-to-day administration of the Film Classification Act, 2005, including supporting the classification functions of the OFRB. The OFA has been incorporated and work is underway to transfer delegation in 2015.

Objectives of the Chair

I assumed the role of Chair of the OFRB on July 7, 2014. I would like to take this opportunity to thank Donald Duprey for acting as Interim Chair from April 1, 2014 to July 6, 2014 during my transition to the role of Chair.

My first objective as Chair was to ensure consistency in the application of the FCA, government regulations and the board's guidelines in order to assist Ontario consumers to make informed entertainment choices for themselves and, more importantly, for their children. A key component of this objective was to develop and implement a new training and evaluation program for new OFRB Members which has now been launched. It will be continually adapted and improved with feedback from members. We have also started to hold two training sessions per year for all board members so that we can discuss emerging issues and our approach as an entire board.

My second priority was to ensure the smooth and efficient operation of the OFRB and liaison with officials in the Theatre Regulations Unit, to ensure that films were processed and classified in a timely and financially responsible way. To that end I added additional measures to scrutinize OFRB expenditures, revised our travel practices to reduce hotel expenditures for out-of- town members and implemented two pilot projects to allow members to screen films closer to home at lower cost. I can report that we have reduced operating costs by more than 9% this year in line with declining revenues from film classification fees.

My third priority was to ensure that we were attuned to emerging issues and made several recommendations to our Policy Committee to highlight the issues of sexual violence, animal abuse and the portrayal of minors in adult sex films.

In addition, my role required me to maintain regular communications with classification bodies across Canada. I met with counterparts in Winnipeg and Montreal to learn from the Manitoba Film Review Board and the Régie du Cinéma in Quebec. I also participated in regular telephone and email exchanges with my counterparts across the country. I have had several discussions about the further harmonization and integration of classification services across Canada and I am hopeful that the OFA will have greater success on that initiative in the next year.

Over the past year I have met with film and television industry executives and their representatives to discuss emerging issues. I have also met with representatives from non-governmental

organizations and health agencies on the matter of smoking in movies.

The Board and its Operations

Our Mission

The mission of the OFRB is to classify films and thereby provide the public with sufficient information to make informed viewing choices for themselves and for their children.

The OFRB receives its mandate from the Ontario government through the FCA and operates as an arm's-length agency reporting to the Ministry of Government and Consumer Services.

Subject to a few specific exceptions, if a film (feature/trailer), including videos and DVDs, is to be distributed or exhibited in Ontario, it must first be classified by the OFRB. Adult sex films that are shown on Pay-per-View or Video-on-Demand systems must also have a film classification certificate from one of the provincial classification bodies.

Under the authority of the FCA, the OFRB reviews and classifies mainstream films. It also reviews and approves adult sex films for public exhibition and distribution in Ontario. Ontario's film classifications - General, Parental Guidance, 14A, 18A and Restricted - are set out in Regulation 452/05 under the FCA. Most of the details regarding a film's classification are determined by the application of the OFRB's policies and guidelines as applied by members reviewing the film (see "How We Classify").

Who We Are

The members of the OFRB represent a cross-section of the many diverse communities across Ontario and vary in age, gender, vocation, race, cultural background and sexual orientation.

On the recommendation of the Minister of Government and Consumer Services and the provincial Cabinet, members are appointed for an initial two-year term by the Lieutenant Governor in Council through orders-in-council. Members may be reappointed for a further three-year term, followed by a five-year term for a maximum of 10 years on the board.

Members work 7.25 hours a day, usually four times per month, and are paid on a per diem basis. Out of pocket expenses for travel are paid in accordance with government policies.

Types of Panels

There are three types of screening panels, as outlined in our panel guidelines. The Chair of the board appoints members for each panel. The purpose and composition of each type of panel are as follows:

Normal: This panel consists of one to three members. Members endeavour to agree on the classification but, if they cannot, the dissenting member mayrequest a cumulative panel.

Cumulative: A dissenting panel member or the Chair of the board may call a Cumulative Panel. Two to four other board members are assigned to screen the film. The results of both the Normal and Cumulative Panels are tallied, and the classification identified by the majority will be assigned to the film. Since the OFRB initiates this process, there is no cost to the submitter. This type of panel is considered part of the OFRB's in-house quality assurance program.

Appeal: This panel is requested and paid for by a submitter who is dissatisfied with the OFRB's initial decision. It consists of three to five members who have not seen the film in question. This panel's decision as to classification or approval is final, subject to the right of the Director under the FCA to require reconsideration.

By the time a film has gone through three panels, as many as 12 different board members may have viewed the film.

Reconsideration:

The Director under the FCA may submit a film, including a video game, to the board, or require a person who distributes, offers to distribute, exhibits or offers to exhibit a film or video game, to submit

it to the board for the purpose of reconsidering the classification or approval decision, or to determine if a film is exempt. In such cases, there is no additional cost to the submitter and the panel consists of a minimum of three members who have not yet seen the film in question. This panel's decision on classification is final.

How We Classify

The OFRB members take into account the general character and integrity of each film in its entirety, and use the FCA and sets of guidelines to determine the film's classification. These guidelines, which are continually reviewed and updated, allow the board to be objective yet flexible. In this way, the board is not only able to maintain the integrity of community standards but also to appreciate and accommodate the film's artistic merit or social and documentary significance.

While viewing the film, each panel member makes notes on the elements that contribute to the classification. These elements include coarse language, nudity, violence, sexual activity, horror and psychological impact. Following the screening, panel members use these notes in their discussion to determine their ultimate decision as to the classification of the film.

Each element is weighed on the basis of content and treatment, and the cumulative effect of those factors on the audience. Members consider style, tone, duration, frequency and the amount of visual and/or verbal detail. How the elements relate to the narrative also contributes to the panel's decision.

In addition to the classification, the OFRB may choose to include Content Advisories, such as *Nudity, Coarse Language* or *Brutal Violence*. These warnings, along with the classification, must appear on all exhibition-related advertising to help the viewer make informed choices.

In March 2012, the list of observations and possible Content Advisories was expanded to include *Tobacco Use*, which is used for films rated G, and PG where tobacco use is shown, as per the board resolution. Full information about each film is contained in the Summary Report compiled by the OFRB and is sent to the relevant distributor and the information appears on the OFRB website.

Why We Classify

A film classification board helps consumers make informed choices about the films they see. Throughout the developed world, movie viewers have asked for industry-independent information about age-suitability (the classification) and content (advisories such as *Coarse Language, Violence, Nudity*, etc.) of films. This information assists them in deciding whether a particular film is appropriate for their children, or for themselves.

Most developed countries, including the United States, Great Britain, Australia, New Zealand, South Africa, France, Germany, Spain, Portugal, Greece, Norway, Denmark and Sweden have film classification Boards.

The OFRB's focus is classification. The board is a valued source of information about movies and videos that help viewers make the right entertainment decisions for themselves and for their children.

Our Community

Community standards are at the forefront whenever the OFRB revises its guidelines. The board uses many avenues to gauge the needs of the community it serves.

The OFRB is structured specifically to address community standards issues. OFRB members are people from all over the province of Ontario who screen films on a part-time basis.
Members represent the diverse population of Ontario - varying ages, with diverse work histories, races, cultural backgrounds and sexual orientations. We strive to have an equal male-female split.

The full board usually meets twice a year to discuss any changes in policy, procedure or guidelines. All changes are discussed, debated and voted on before any changes are made.

In the past, the board tested its perception of community standards by holding screenings at which members of the public viewed a movie with the official panel, and compared their opinions about how the movie should be classified against the panel's official decision. In 2014, the board determined that the public screenings at the Board offices did not provide adequate public access and were not sufficiently representative of Ontario's communities. As a result, a decision was made to cease public information screenings in November 2014. We are anxious to expand public

screenings across Ontario in conjunction with the Ontario Film Authority, local exhibitors and film festivals.

The board also hears directly from the media, public interest groups and from members of the general public via letter, telephone, fax, e-mail and its website.

The board's responsibility is to understand and reflect the community standards of the people of Ontario.

Refusal to Approve

The OFRB's authority to refuse approval of a film is limited to adult sex films (that is, a film that has as its main object the depiction of explicit sexual activity.) The OFRB's authority to refuse approval is based on the standards for obscenity under the Criminal Code of Canada. The board regularly reviews its Adult Sex Guidelines to ensure as much consistency as possible within its mandate as a provincial regulator with the rules governing the Canadian Border Services and the Criminal Code of Canada. The OFRB does not play a role in determining obscenity or childpornography. This is a function of the police and is a federal responsibility.

Financial & Operational Information 2014-2015

Financial Information - 2014-2015

Revenue:	Film and Video Classification Fees *	**$1,989,799**
	Total Revenue	**$1,989,799**
Expenditures 2014-2015:	Per Diems	**$419,334**
	Direct Operating Expenses	**$ 54,976**
	Administrative & Overhead Expenses	**$498,985**
	Total Expenditures **	**$ 973,296**
Expenditures 2013-2014:	Per Diems	**$460,916**
	Direct Operating Expenses	**$ 68,528**
	Administrative & Overhead Expenses	**$542,858**
	Total Expenditures **	**$ 1,072,303**

* For classification of films including videos and DVDs, distributors pay $4.20 per minute. Mainstream films in languages other than English and French pay a flat fee of $78.75 per film, and there is no fee for mainstream films wholly produced in Canada. There are also fees for classifying trailers, and for some films classified by documentation.

** Note: This excludes indirect costs related to activities such as inspection, enforcement, legal, policy, etc.

Classification Breakdown
Mainstream Films Screened (all languages)

	2014/2015	*2013/2014*	*2012/2013*	*2011/2012*	*2010/2011*
General	15%	9%	14%	14%	13%
Parental Guidance	34%	36%	33%	31%	32%
14A	45%	45%	42%	43%	40%
18A	5%	6%	9%	8%	11%
Restricted	1%	4%	2%	4%	4%

Financial and Operational Information

	2014/2015	2013/2014
Financial Information		
• Revenue*	$1,989,799	$2,174,554
• Expenditures**	$973,296	$1,072,304
Operational Information		
Films Screened		
• Mainstream (English and French)	802	732
• Mainstream (other languages)	186	184
• Adult Sex Films	2,826	3,461
• Mainstream Trailers	625	563
Total Films Screened	**4,439**	**4,940**
Minutes Screened		
• Mainstream (English and French)	84,761	77,766
• Mainstream (other languages)	23,861	23,358
• Adult Sex Films	230,343	278,607
• Mainstream Trailers	1,251	1,131
Total Films Screened	**340,216**	**380,862**
Classified without screening		
• Mainstream Films (Classified by documentation)	1,909	1,908
Appeals/ Non-Approval/ Reconsideration Decisions		
• Appeals – decision changed	15	5
• Appeals – decision upheld	6	7
• Non-Approval decisions	49	46
• Reconsideration – decision changed	1	0
• Reconsideration – decision upheld	0	0
Screening Panels		
• Number of Panels	453	468
• Average Panel Minutes	751	814
Turnaround time		
• Mainstream film for exhibition (standard <=1-2 days)	1.2	1.3
• Video/ DVD (Mainstream) (standard <=10 days)	3.8	2.0
• Video/ DVD (Adult) (standard <=10 days)	4.1	4.7
Public Screenings		
• Number of screenings	13	17***
• Number of participants	247	296

* For classification of films including videos and DVDs, distributors pay $4.20 per minute. Mainstream films in languages other than English and French pay a flat fee of $78.75 per film, and there is no fee for mainstream films wholly produced in Canada. There are also fees for classifying trailers, and for some films classified by documentation.

** This excludes indirect costs related to activities such as inspection, enforcement, legal, policy, etc.

*** Corrected from the 2013-2014 Annual Report

Chair (July 7, 2014 to March 31, 2015)

Bruce Davis
private

Bruce Davis brings a rich and varied experience in both the

and public sectors to the OFRB, along with a history of active engagement with community, artistic and charitable organizations. He is currently the president of the Gananoque Brewing Company, a microbrewery in eastern Ontario and operates a small consulting company called Public Progress Inc. Until very recently, Mr. Davis was on the Board of the 1000 Islands Playhouse Foundation in Gananoque and active with Positive Change, a Toronto-based advocacy group in the Somali Canadian community. He is on the Board of the Gananoque 1000 Islands Chamber of Commerce.
From 2000 to 2010, he served as trustee on the Toronto District School Board, and was Chair of the TSDB from 2009 to 2010. He recently received the Queen's Diamond Jubilee Medal for his community service activities in Toronto. Mr. Davis divides his time between Toronto, where he and his family reside, and Gananoque.

Interim Chair (April 1, 2014 to July 6, 2014)

Donald Duprey

In 1965, Donald Duprey, of Toronto, joined the National Film Board and began his career in the media production industry. After six years, he went on to take positions as General Manager, International Cinemedia Centre (1971-1977), President, MLV Productions (1977-1982), Managing Director, French Program Services, TVOntario (1982-1988) and Managing Director, English
Program Services, TVOntario(1988-2000). He has been a Member of the Board since 2006 and also acted as Interim Chair from July 15, 2013 to March 31, 2014.

Members of the Ontario Film Review Board

Member	Municipality	First Appointed	Current Term Expires Expired
Poonamdeep Bhinder	Brampton	July 15, 2009	July 14, 2019
Patricia Brown	Brantford	July 15, 2005	July 14, 2015
Bruce Davis	Toronto	April 16, 2014	April 15, 2016
Donald Duprey	Toronto	November 14, 2006	November 13, 2016
Lorraine Dupuis	Sudbury	April 11, 2006	April 10, 2016
Cathy Ferlisi	Concord	October 25, 2006	October 24, 2016
Muhammed Irshad	Toronto	March 19, 2014	March 18, 2016
Joanne Jackson	Ajax	Aug 21, 2008	August 20, 2018
Adam Garnet Jones	Toronto	October 22, 2009	October 21, 2017
Fred Kushnir	Windsor	November 29, 2010	November 28, 2016
Kristina Laukkanen	Scarborough	October 25, 2006	October 24, 2016
Lindsay Lesse	Toronto	November 29, 2010	November 28, 2016
John Mastroianni	Welland	July 15, 2009	July 14, 2019
Donna Lynne Paquette	Bowmanville	March 19, 2014	March 18, 2016
Beniamino Pascuzzi	Sault Ste. Marie	March 25, 2015	March 24, 2017
Peter Smith	Pickering	January 23, 2013	January 22, 2017
Andrew Stewart	Toronto	January 23, 2013	January 22, 2017
Warren Kanagaratnum	Toronto	January 5, 2015	January 4, 2017
Trudie Villeneuve	Toronto	January 5, 2006	January 4, 2016
Peter Watts	Burlington	August 21, 2008	August 20, 2018